

WEDNESDAY, MAY 1, 1991

FORTY-SECOND LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Wendell Byrd, Wingate Church of Christ, Nashville, Tennessee.

Representative Arriola led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Curlee; due to out-of-town business.

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 30, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the Regular Calendar for Wednesday, May 1, 1991: House Bill(s) No(s). 1061, 1110, 939, 537, 1138, 966, 1323, 155, 248, 50, 1355, 1217, 77, 568, 217, 1433, 1393, 42 and 329.

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We have also set the following bills on the **Regular Calendar** for **Thursday, May 2, 1991**: House Bill(s) No(s). 264.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 6, 1991**: House Bill(s) No(s). 1058, 1383, 1007 and 1292; House Joint Resolution(s) No(s). 280, 242 and 243; also, Senate Joint Resolution(s) No(s). 162 and 106.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

COMMERCE

April 30, 1991

MR. SPEAKER: Your Commerce Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 398; for passage as amended: House Bill(s) No(s). 767, 1157 and 1437; for adoption: House Joint Resolution(s) No(s). 270.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means as amended: House Bill(s) No(s). 1109.

RHINEHART, Chair.

Under the rules, House Bill(s) No(s). 398, House Joint Resolution(s) No(s). 270; with amendments: House Bill(s) No(s). 767, 1157 and 1437 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1109 with amendments to the Finance, Ways and Means Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 656.

EDUCATION

April 30, 1991

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 752 as amended.

DAVIDSON, Chair.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 752 with amendments to the Finance, Ways and Means Committee.

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FINANCE, WAYS AND MEANS

April 30, 1991

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1120, 1161, 1187, 1269 and 1407; as amended: House Bill(s) No(s). 205, 392, 828, 904 and 1236.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 1120, 1161, 1187, 1269 and 1407; House Bill(s) No(s). 205, 392, 828, 904 and 1236 with amendments was/were transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

April 30, 1991

MR. SPEAKER: Your State and Local Government Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 335 and 1461; as amended: House Bill(s) No(s). 288, 400, 401, 525 and 601; for adoption: House Joint Resolution(s) No(s). 260 and 274.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 446 as amended.

LOVE, Chair.

Under the rules, House Bill(s) No(s). 335 and 1461; House Joint Resolution(s) No(s). 260 and 274; also, House Bill(s) No(s). 288, 400, 401, 525 and 601 with amendments was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 446 with amendments to the Finance, Ways and Means Committee.

ENROLLED BILLS

April 30, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 420, 424, 461, 546, 566, 741, 777, 851, 902, 1239, 1250, 1340, 1429, 1580 and 1583; House Joint Resolution(s) No(s). 82, 83, 110, 125 and 157; also, House Resolution(s) No(s). 36, 72, 74 and 75.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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**REPORT OF COMMITTEE ON CALENDAR AND RULES
May 1, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, May 2, 1991**: House Bill(s) No(s). 215, 703, 973 and 1357.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 6, 1991**: House Joint Resolution(s) No(s). 256 and 276; Senate Joint Resolution(s) No(s). 105; also House Bill(s) No(s). 1563.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

**HEALTH AND HUMAN RESOURCES
May 1, 1991**

MR. SPEAKER: Your Health and Human Resources Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1557 as amended.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1036 as amended.

DIXON, Chair.

Under the rules, House Bill(s) No(s). 1557 with amendment was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1036 with amendment to the Finance, Ways and Means Committee.

**JUDICIARY
May 1, 1991**

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage as amended: House Bill(s) No(s). 122, 852, 936, 1026, 1203, 1302 and 1460.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1442; House Bill(s) No(s). 676 and 876 as amended.

BUCK, Chair.

Under the rules, House Bill(s) No(s). 122, 852, 936, 1026, 1203, 1302 and 1460 with amendments was/were transmitted to the Calendar and Rules Committee.

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Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 1442; House Bill(s) No(s). 676 and 876 with amendments to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 0077 -- Memorials, Sports -- Paul Conry.

House Resolution No. 0078 -- Memorials, Sports -- McMinn County High School boys' basketball team.

House Resolution No. 0079 -- Memorials, Public Service -- Hamblen County Community Prevention Network.

House Joint Resolution No. 0303 -- Memorials, Public Service -- Margaret Pearson, first female Mayor of Sparta.

House Joint Resolution No. 0304 -- Memorials, Interns -- Eddie Davidson.

House Joint Resolution No. 0307 -- Memorials, Interns -- Kelly Ann Garner.

House Joint Resolution No. 0308 -- Memorials, Public Service -- Correctional Officers of Tennessee.

House Joint Resolution No. 0309 -- Memorials, Professional and Business Achievement -- Dr. Charles Couser.

House Bill No. 0860 -- Hickman County -- Increases severance tax on phosphate rock, ore or phosphate bearing material. Amends Chapter 92, Private Acts of 1979.

House Bill No. 0997 -- White Bluff -- Changes date of elections. Amends Chapter 257, Private Acts 1923, as amended.

House Bill No. 1037 -- White Bluff -- Changes method of selecting vice mayor. Amends Chapter 257, Private Acts 1923, as amended.

House Bill No. 1042 -- White Bluff -- Changes method of selecting vice mayor. Amends Chapter 257, Private Acts 1923, as amended.

House Bill No. 1311 -- White Bluff -- Changes date of elections. Amends Chapter 257, Private Acts 1923, as amended.

House Bill No. 1402 -- White Bluff -- Changes requirement to override mayor's veto. Amends Chapter 257, Private Acts 1923, as amended.

House Bill No. 1506 -- White Bluff -- Increases salary of mayor and council members. Amends Chapter 257, Private Acts 1923, as amended.

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House Bill No. 1507 -- White Bluff -- Increases amount authorized to borrow. Amends Chapter 257, Private Acts of 1923, as amended.

House Bill No. 1540 -- Hamilton County -- Authorizes the names on jurors list be determined from the voter registration lists. Amends Chapter 564, Private Acts of 1931, as amended.

On motion, House Bill No. 1540 was made to conform with Senate Bill No. 1537.

On motion, **Senate Bill No. 1537**, on same subject, was substituted for House Bill No. 1540.

House Bill No. 1570 -- Celina -- Repeals charter; enacts new Charter. Repeals Chapter 201, Private Acts of 1951, as amended.

House Bill No. 1573 -- Blount County -- Extends termination date of Technology Corridor Development Authority. Amends Chapter 180, Private Acts of 1986, as amended.

House Bill No. 1577 -- Pulaski -- Removes residency requirements of police chief. Amends Chapter 711, Private Acts of 1949.

House Bill No. 1578 -- Tipton County -- Establishes general sessions court administered probation and safety program.

House Bill No. 1579 -- Benton County -- Authorizes increase in severance tax. Amends Chapter 89, Private Acts of 1979.

House Bill No. 1585 -- Medina -- Amends charter. Amends Chapter 238 of Acts of 1907, as amended.

Senate Joint Resolution No. 0208 -- Memorials, Sports -- Coffee County Central High School varsity cheerleaders.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 860; by Rep. Jackson.

Under the rules, House Bill No. 860 was/were placed at the foot of the calendar for Thursday, May 2, 1991.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

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Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1329 -- Pensions and Retirement Benefits -- Authorizes certain sheriffs to participate in TCRS. Amends TCA, Title 8, Ch. 36, Pt. 2.

Further consideration of House Bill No. 1329, previously considered on April 3 and 17, 1991, at which time it was reset to the Calendar for May 1, 1991.

Rep. Head moved that House Bill No. 1329 be reset to the first available space on the Calendar for February, 1992, which motion prevailed.

House Bill No. 0963 -- Private Investigators -- Revises maximum fee for license. Amends TCA, Title 62, Ch. 26, Pt. 2.

Further consideration of House Bill No. 963, previously considered on April 24, 1991, at which time it was reset to the Calendar for May 1, 1991.

Rep. Davis (Knox) moved that House Bill No. 963 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 963 by deleting all the language after the enacting clause and by substituting instead the following new amendatory language:

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Section 1. Tennessee Code Annotated, Section 62-26-202, is amended by adding a new appropriately numbered definition as follows:

() "Commission" means the Tennessee private investigation commission.

Section 2. Tennessee Code Annotated, Section 62-26-203, is amended by deleting the section in its entirety.

Section 3. Tennessee Code Annotated, Section 62-26-204, is amended by deleting the word "commissioner" from subsection (a) and (c) and inserting the word "commission" in subsection (a) and (c).

Section 4. Tennessee Code Annotated, Section 62-26-205, is amended by deleting the word "commissioner" from the first paragraph of subsection (a) and subsection (a)(6) and inserting the word "commission" in the first paragraph subsection (a) and subsection (a)(6).

Section 5. Tennessee Code Annotated, Section 62-26-206, is amended by deleting the word "commissioner" in subsection (6)(B) and subsection (6)(C) and inserting the word "commission" in subsection (6)(B) and subsection (6)(C).

Section 6. Tennessee Code Annotated, Section 62-26-207, is amended by deleting the word "commissioner" in subsection (6)(B) and subsection (6)(C) and inserting the word "commission" in subsection (6)(B) and subsection (6)(C).

Section 7. Tennessee Code Annotated, Section 62-26-207, is amended by designating the existing language as subsection (a) and adding the following new subsections:

(b) The commissioner shall grant apprentice status, by correspondence, to applicants for an individual investigator's license, provided that the applicant is employed by an investigative company. The apprentice is enjoined from working without the direct supervision of a licensed investigator until such time as the apprentice's license application is fully processed.

(c) An apprenticeship may not commence until the sponsoring company has submitted a notice of intent to sponsor. Such notice shall be by written endorsement to the application of the apprentice.

(d) An apprentice status shall be limited to six (6) months and a person shall be able to apply for an apprentice status only once.

(e) Apprenticeship is intended to serve as a learning process. Sponsors shall assume a training status by providing direction and control of the apprentice. No sponsor may sponsor more than six (6) apprentices at one (1) time. The sponsor shall certify completion of training or the termination of the apprentice within fifteen (15) days of such action. The report shall be in such form as may be required by the commissioner, but shall include as a minimum the following:

(1) The inclusive dates of the apprenticeship;

(2) A narrative explaining the primary duties, types of experiences gained, and the scope of the training received; and

(3) An evaluation of the performance of the apprentice and a recommendation regarding future licensing.

Section 8. Tennessee Code Annotated, Section 62-26-208(a), is amended by deleting the first paragraph thereof and substituting the following language:

Upon receipt of an application for a license, accompanied by a nonrefundable, nonproratable application fee as set by the commissioner according to the following schedule:

Private Investigator License \$ _____

Company License

Number of Private Investigators

Employed by Company

Sole Practitioner Private Investigator \$ _____

2 - 5 Employees \$ _____

Over 5 Employees \$ _____

the commissioner shall:

Section 9. Tennessee Code Annotated, Section 62-26-208(b), is amended by deleting the language of the subsection and inserting the following language:

(b) The commissioner shall issue a license, in a form which he shall prescribe, to qualified applicants upon receipt of a nonrefundable, nonproratable fee as set by the commissioner in accordance with the

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following schedule:

Private Investigator License \$ _____

Company License

Number of Private Investigators

Employed by Company

Sole Practitioner Private Investigator \$ _____

2 - 5 Employees \$ _____

Over 5 Employees \$ _____

Section 10. Tennessee Code Annotated, Section 62-26-208, is amended by deleting the word "commissioner" in subsection (c) and (d) and inserting the word "commission" in subsection (c) and (d).

Section 11. Tennessee Code Annotated, Section 62-26-208, is amended by adding a new appropriately designated subsection as follows:

() An application shall be accompanied by a notarized statement sworn to by the applicant as to the number of private investigators employees in service. Making a false statement shall be punishable by a civil penalty not to exceed one thousand dollars (\$1,000) and assessment of the maximum application fee.

Section 12. Tennessee Code Annotated, Section 62-26-211(a), is amended by deleting the word "commissioner" and inserting the word "commission".

Section 13. Tennessee Code Annotated, Section 62-26-211(b), is amended by deleting the language thereof and by substituting the following language:

(b) The fee for the timely renewal of a license shall be as set by the commissioner in accordance with the following schedule:

Private Investigator License \$ _____

Company License

Number of Private Investigators

Employed by Company

Sole Practitioner Private Investigator \$ _____

2 - 5 Employees \$ _____

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Over 5 Employees \$ _____

A penalty as prescribed by the commissioner will be assessed on any renewal application postmarked after the expiration date of the license.

Section 14. Tennessee Code Annotated, Section 62-26-211, is amended by adding a new appropriately designated subsection as follows:

() A renewal application shall be accompanied by a notarized statement sworn to by the applicant as to the number of private investigators in service. Making a false statement shall be punishable by a civil penalty not to exceed one thousand dollars (\$1,000) and assessment of the maximum renewal fee.

Section 15. Tennessee Code Annotated, Section 62-26-212 subsection (a) and (b) is amended by deleting the word "commissioner" and inserting the word "commission".

Section 16. Tennessee Code Annotated, Section 62-26-213, is amended by deleting the word "commissioner" in the first paragraph thereof and subsection (2) and inserting the word "commission".

Section 17. Tennessee Code Annotated, Section 62-26-214(a) and (b), is amended by deleting the word "commissioner" and inserting the word "commission".

Section 18. Tennessee Code Annotated, Section 62-26-215, is amended by deleting the section in its entirety.

Section 19. Tennessee Code Annotated, Section 62-26-216, is amended by deleting the section in its entirety.

Section 20. Tennessee Code Annotated, Section 62-26-217, is amended by deleting the word "commissioner" in subsection (a) and (b) and inserting the word "commission" in subsection (a) and (b).

Section 21. Tennessee Code Annotated, Section 62-26-219, is amended by deleting the word "commissioner" and inserting the word "commission".

Section 22. Tennessee Code Annotated, Section 62-26-220, is amended by deleting the word "commissioner" and inserting the word "commission".

Section 23. Tennessee Code Annotated, Title 62, Chapter 26, is amended by adding a new appropriately designated section as follows:

(a) There is hereby created the Tennessee private investigation commission, hereinafter referred to as the "commission", which consists of seven (7) members appointed by the governor, each of whom shall be a resident of this state and shall possess good moral character.

(b) Six (6) of the members shall each have been principally engaged as a private investigator in this state for at least five (5) years prior to the date of his appointment and shall be of recognized business standing.

(c)

(1) The remaining one (1) member of the commission shall be a person who is not engaged in or conducting the business, or acting in the capacity of a private investigator.

(2) Initially, the governor shall appoint one (1) such member for a term of three (3) years. Thereafter, all such members shall be appointed for terms as provided in subsection (d).

(d)

(1) Every member of the commission shall be appointed for a term of five (5) years and until their successors are appointed and qualify by subscribing to the constitutional oath of office, which shall be filed with the secretary of state.

(2) Any vacancy occurring on the commission shall be filled by the governor for the unexpired term.

(3) No member shall be appointed to succeed himself for more than one (1) full term.

(4) The governor may remove any member of the commission for misconduct, incompetency, or willful neglect of duty.

(5) At least two (2) members, but not more than three (3), shall be appointed from each grand division of the state.

Section 24. Tennessee Code Annotated, Title 62, Chapter 26, is amended by adding a new appropriately designated section as follows:

(a) The commission is declared to be a judicial body and the members or its employees are hereby granted immunity from any civil liability when acting

in good faith in the performance of their duties under this chapter.

(b) Should litigation be filed against members of the commission arising from the performance of their duties under this chapter, the commissioners shall be defended by the attorney general and reporter.

Section 25. Tennessee Code Annotated, Title 62, Chapter 26, is amended by adding a new appropriately designated section as follows:

(a) Upon qualification of the members appointed, the commission shall organize itself by selecting from its members a chairman and a vice chairman, and shall have the power to do all things necessary and proper for carrying out the provisions of this chapter not inconsistent with the laws of this state. The commission may promulgate and adopt such bylaws, rules and regulations as are reasonably necessary for such purpose. The promulgation and adoption of rules and regulations authorized by this section shall be pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(b) The commission's rules and regulations may incorporate and establish canons of ethics and minimum acceptable standards of practice for licensees.

(c) Each member of the commission shall receive a certificate of appointment from the governor before entering upon the discharge of the duties of office.

(d) The commission, or any committee thereof, shall be entitled to the services of the attorney general and reporter, or the legal department of the state of Tennessee, in connection with the affairs of the commission.

Section 26. Tennessee Code Annotated, Title 62, Chapter 26, is amended by adding a new appropriately designated section as follows:

(a) The commission may hold such meetings as it may deem necessary for the purpose of transacting such business as may properly come before it. All members of the commission shall be duly notified of the time and place of each meeting.

(b) A majority of the commission constitutes a quorum at any meeting of the commission.

Section 27. Tennessee Code Annotated, Title 62, Chapter 26, is amended by adding a new appropriately

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designated section as follows:

The director of the division of regulatory boards in the department of commerce and insurance, or his designee, shall serve as executive director of the board, and shall provide all administrative functions for the board.

Section 28. This act shall take effect on July 1, 1991, for the purpose of rulemaking, and for all other purposes the act shall take effect on January 1, 1992, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davis (Knox) moved that **House Bill No. 963**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 0559** -- Motor Vehicles, Titling and Registration -- Increases certificate of title registration fee to fund certain projects relative to state parks. Amends TCA 55-6-101.

Further consideration of House Bill No. 559, previously considered on April 24, 1991, at which time it was reset to the Calendar for May 1, 1991.

Rep. McAfee moved that House Bill No. 559 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

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Amendment No. 1

Amend House Bill No. 559 by deleting the amendatory language of the original Section 2 in its entirety and by substituting instead the following:

The revenue generated from one dollar and fifty cents (\$1.50) of such fee shall be earmarked for the purpose of paying the principal and interest on bonds issued pursuant to the provisions of Chapter ___ of the Public Acts of 1991 (House Bill No. 558/Senate Bill No. 892), if such bill becomes law. Any funds in excess of the amount necessary to pay such principal and interest shall be earmarked for the purposes of capital projects at state parks and the acquisition of property adjoining state parks and interests in such property in order to protect the scenic integrity of such parks;

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved to amend as follows:

Amendment No. 2

Amend House Bill No. 559 by deleting from the amendatory language of Section 2 the following words:

"and the acquisition of property adjoining state parks and interests in such property in order to protect the scenic integrity of such parks".

On motion, Amendment No. 2 was adopted.

Rep. McAfee moved to amend as follows:

Amendment No. 3

Amend House Bill No. 559 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. It is the legislative intent that the department of environment and conservation in the planning and development of its capital renovation and improvement programs for state parks give priority to the camp sites, marinas and cabins.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. McAfee moved that **House Bill No. 559**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	51
Noes.	41
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Cole, Collier, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Garrett, Givens, Gunnels, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, McAfee, Moore, Napier, Nuber, Odom, Pinion, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Venable, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 51.

Representatives voting no were: Arriola, Chumney, Clark, Coffey, Davis (Cocke), Dixon, Duer, Ferguson, Fowlkes, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Jones U (Shelby), Joyce, Knight, Liles, McDaniel, McKee, Meyer, Peroulas Draper, Phillips, Pruitt, Ridgeway, Rigsby, Rinks, Robinson (Washington), Sipes, Stamps, Tullos, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Wood -- 41.

Representatives present and not voting were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

***House Bill No. 0558** -- Bond Issues -- Authorizes bond issue of \$5 million for state parks.

Further consideration of House Bill No. 558, previously considered on April 24, 1991, at which time it was reset to the Calendar for May 1, 1991.

Rep. McAfee moved that House Bill No. 558 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 558 by adding the following new section immediately preceding the severability clause section and by renumbering the subsequent section accordingly:

Section _____. The funds necessary to implement the provisions of this act shall be earmarked from funds generated pursuant to the provisions of Chapter ____ of the Public Acts of 1991 (House Bill No. 559/Senate Bill No. 891), if such bill becomes law. The provisions of this act shall only take effect if House Bill No. 559/Senate Bill No. 891 becomes law.

On motion, Amendment No. 1 was adopted.

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Thereupon, Rep. McAfee moved that **House Bill No. 558**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	56
Noes.	38
Present and not voting.	1

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), Fowlkes, Garrett, Givens, Gunnels, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, Moore, Napier, Nuber, Odom, Peroulas, Draper, Pinion, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Venable, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Allen, Armstrong, Arriola, Chumney, Clark, Coffey, Davis (Cocke), DeBerry, Dixon, Duer, Ferguson, Haley, Halteman, Hargrove, Harriell, Hassell, Haun, Herron, Jones U (Shelby), Joyce, Liles, Meyer, Phillips, Pruitt, Ridgeway, Rigsby, Rinks, Robinson (Washington), Sipes, Stamps, Tullios, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Wood -- 38.

Representatives present and not voting were: McKee -- 1.

A motion to reconsider was tabled.

House Bill No. 0944 -- Public Service Commission -- Expands permissible number of radio common carrier operators per territory to four. Amends TCA, Title 65.

Further consideration of House Bill No. 944, previously considered on April 24, 1991, at which time it was reset to the Calendar for May 1, 1991.

Rep. Moore moved that House Bill No. 944 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rhinehart moved to amend as follows:

Amendment No. 2

Amend House Bill No. 944 by deleting in its entirety the amendatory language of Section 1, and by substituting instead the following language:

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It is a legislative finding that to provide adequate service, including meaningful competition in any service area where qualified applicants have applied for a certificate of public convenience and necessity, the commission shall grant certificates of public convenience and necessity to a total of two (2) radio common carriers in each such service area, and that such number of service providers will provide the highest level of overall service to the public.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Moore moved that **House Bill No. 944**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Crain, Davis (Gibson) -- 2.

A motion to reconsider was tabled.

House Bill No. 0433 -- Driver Licenses -- Prohibits municipal law enforcement officers from seizing driver licenses for traffic violations. Amends TCA 55-50-801.

Further consideration of **House Bill No. 433**, previously considered on April 29, 1991, at which time it was reset to the Calendar for May 1, 1991.

On motion, **House Bill No. 433** was made to conform with **Senate Bill No. 427**.

On motion, **Senate Bill No. 427**, on same subject, was substituted for **House Bill No. 433**.

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Rep. Shirley moved that **Senate Bill No. 433** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	75
Noes.	16
Present and not voting.	4

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Callicott, Chumney, Clark, Cole, Collier, Copeland, Davidson, Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Jackson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wood -- 75.

Representatives voting no were: Anderson, Byrd, Chiles, Crain, Cross, Davis (Cocke), Davis (Knox), Holcomb, Huskey, Johnson, Odom, Purcell, Rigsby, Rinks, Wix, Mr. Speaker Naifeh -- 16.

Representatives present and not voting were: Bragg, Coffey, Stamps, Winningham -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on **Senate Bill No. 427** and have this statement entered in the Journal.

Rep. Page Walley

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on **Senate Bill No. 427** and have this statement entered in the Journal.

Rep. Jimmy Kyle Davis

REGULAR CALENDAR, CONTINUED

House Bill No. 0057 -- Education -- Authorizes children to attend school in county of choice if city or town located in two or more counties. Amends TCA 49-6-3112.

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Further consideration of House Bill No. 57, previously considered on April 25 and 29, 1991, at which time it was reset to the Calendar for May 1, 1991.

On motion, House Bill No. 57 was made to conform with Senate Bill No. 85.

On motion, **Senate Bill No. 85**, on same subject, was substituted for House Bill No. 57.

Rep. Ferguson moved that **Senate Bill No. 85** be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 85 by adding at the end of the amendatory language in Section 1 of the printed bill a new sentence, as follows:

This subdivision (a)(2), shall apply only in counties with a population, according to the 1980 federal census or any subsequent federal census of:

not less than
16,575
48,400
67,300

nor more than
16,675
48,500
67,400

On motion, Amendment No. 1 was adopted.

Rep. Ferguson moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Windle moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 85 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than

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16575 nor more than 16675 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 3 was adopted.

Rep. Windle moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Coffey moved to amend as follows:

Amendment No. 5

Amend Senate Bill No. 85 by adding the following language at the end of the amendatory language of Section 1:

If any student attends a school in other than his county of residence and the local cost of such student's education exceeds the average in that county, then the transfer is subject to agreement between the superintendents involved on the payment of the excess cost for such student.

On motion, Amendment No. 5 was adopted.

Thereupon, Rep. Ferguson moved that **Senate Bill No. 57**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tulos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Knight -- 1.

A motion to reconsider was tabled.

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***Senate Bill No. 0454** -- Election Laws -- Enacts "Anti-Skulduggery Act of 1991". Amends TCA 2-5-101.

Further consideration of Senate Bill No. 454, previously considered on April 25, 1991, at which time it was substituted for the House Bill; and on April 29, 1991, was reset to the Calendar for May 1, 1991.

Rep. Knight moved that Senate Bill No. 454 be reset to the Calendar for Thursday, May 9, 1991, which motion prevailed.

House Bill No. 1061 -- Real Estate Agents and Brokers -- Delays requirement of licensure for real estate appraisers from July 1, 1991 to December 31, 1991. Amends TCA, Title 62, Ch. 39.

Rep. Kisber moved that House Bill No. 1061 be reset to the Calendar for Monday, May 6, 1991, which motion prevailed.

House Bill No. 1110 -- Charitable Solicitations -- Revises law concerning charitable solicitations. Amends TCA, Title 48, Ch. 3.

On motion, House Bill No. 1110 was made to conform with Senate Bill No. 519.

On motion, **Senate Bill No. 519**, on same subject, was substituted for House Bill No. 1110.

Rep. Kisber moved that **Senate Bill No. 519** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

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House Bill No. 0939 -- Real Estate Agents and Brokers -- Deletes requirement that real estate firms have errors and omissions insurance; earmarks funds received by commission. Amends TCA 62-13-112, 62-13-308.

On motion, House Bill No. 939 was made to conform with Senate Bill No. 1248.

On motion, **Senate Bill No. 1248**, on same subject, was substituted for House Bill No. 939.

Rep. Byrd moved that **Senate Bill No. 1248** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Byrd moved that **Senate Bill No. 1248** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Rigsby -- 1.

A motion to reconsider was tabled.

House Bill No. 0537 -- Motor Vehicles -- Increases issuance fee for title under certain conditions; permits refusal to issue title under certain circumstances. Amends TCA, Title 55, Ch. 3.

On motion, House Bill No. 537 was made to conform with Senate Bill No. 535.

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On motion, Senate Bill No. 535, on same subject, was substituted for House Bill No. 537.

Rep. Crain moved that Senate Bill No. 535 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Crain moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 535 by deleting Sections 1 and 2 of the bill in their entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-3-208, is amended by adding the following new subsection to be appropriately designated:

() In addition to the fee required by Section 55-3-207, the commissioner shall charge a reasonable fee not to exceed forty-five dollars (\$45.00) for each conversion of a vehicle salvage document to a title in an amount calculated to cover the cost of adequate staffing and other operating costs of a program to enforce the motor vehicle title and salvage laws and inspection of rebuilt vehicles. Notwithstanding any provision of law to the contrary, all moneys collected pursuant to this subsection, shall be deposited in the state general fund and credited to a separate account for the cost of operating said program. Disbursements from such account shall be made solely for the purpose of defraying expenses incurred in the implementation and enforcement of the program. No such expenses shall be paid from any other state funds. Funds remaining in the account at the end of any fiscal year shall not revert to the general fund but shall remain available for expenditure in accordance with law.

Section 2. Tennessee Code Annotated, Section 55-3-208(a), is further amend by deleting the last sentence thereof and substituting instead the following:

The commissioner of safety, if he determines that a vehicle inspection is unsatisfactory or that the requirements of this section have not been met, shall refuse to issue a certificate of title on such motor vehicle.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

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Thereupon, Rep. Crain moved that **Senate Bill No. 535**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	61
Noes.	31
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), Fowlkes, Garrett, Haley, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holt, Huskey, Johnson, Joyce, Kent, Kernell, King, Kisber, Knight, Love, McKee, Meyer, Moore, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 61.

Representatives voting no were: Armstrong, Arriola, Byrd, Chiles, Chumney, DeBerry, Dixon, Duer, Ferguson, Givens, Gunnels, Halteman, Harrill, Herron, Hubbard, Jackson, Jones R (Shelby), Liles, McDaniel, Niceley, Peroulas Draper, Rigsby, Rinks, Robinson (Washington), Sipes, Stamps, Venable, Walley, West, Whitson, Winningham -- 31.

Representatives present and not voting were: Holcomb -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on **Senate Bill No. 535** and have this statement entered in the Journal.

Rep. Ray Hill

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on **Senate Bill No. 535** and have this statement entered in the Journal.

Rep. Micheal Williams

REGULAR CALENDAR, CONTINUED

***House Bill No. 1138** -- Lobbying, Lobbyists -- Clarifies lobbyist registration and bribery offenses. Amends TCA, Title 3, Ch. 6; Title 39, Ch. 16.

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Rep. Herron moved that House Bill No. 1138 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0966 -- Licenses -- Requires licensure of alarm contractors. Amends TCA, Title 62.

Rep. Bivens moved that House Bill No. 966 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1 to Amendment No. 1.

Rep. Bivens moved that Amendment No. 2 to Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Bivens moved to amend as follows:

Amendment No. 2

Amend House Bill No. 966 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. This act shall be known and may be cited as the "Alarm Contractors Licensing Act of 1991".

Section 2. The purpose of this act is to provide uniform procedures and qualifications throughout Tennessee for the certifying, licensing and regulation of alarm systems contractors and to protect the safety and security of person and

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property by assuring the competence of individuals or companies offering alarm systems and services to the general public.

Section 3. As used in this act:

(a) "Alarm system" shall mean any mechanical, electrical and/or electronic system designed to:

(1) record, view, monitor, protect against, avoid or reduce the probability of personal or property loss or injury resulting from fire, smoke, heat, burglary, theft, shoplifting, pilferage, or other losses of that type;

(2) monitor, detect or prevent intrusion; or

(3) detect and summon aid for other emergencies. "Alarm system" shall not include any such system which is installed in a motor vehicle.

(b) "Alarm system contractor" shall mean any person, firm, association or corporation which sells or attempts to sell, installs, services or monitors alarm systems, signal devices, fire alarms, burglar alarms, television cameras or still cameras used to detect fire, burglary, breaking and/or entering, intrusion, shoplifting, pilferage or theft.

(c) "Fire alarm system" shall mean an alarm or monitoring system that is intended to respond to or detect fire, heat, smoke or other byproducts of combustion.

(d) "Business entity" shall mean each location from which alarm systems are sold, installed or serviced.

(e) "Burglar alarm system" shall mean an alarm or monitoring system which has the primary function of detecting and/or responding to emergencies other than fire.

(f) "Qualifying agent" shall mean an individual licensed by the board whose qualifications have been demonstrated to the board for overseeing and supervising alarm systems contractor operations of either fire, burglar or both.

(g) "Installation" shall mean the installation, maintenance, service and repair of alarm systems.

(h) "Monitoring" shall mean the monitoring and/or emergency response to fire, burglary, intrusion, holdup and/or other personal emergency alarm system signals.

(i) "Good moral character" shall mean an individual with high legal, moral and ethical values. The following shall be prima facie evidence that an individual does not have good moral character: conviction by any local, state, federal or military court of any crime involving the illegal use, possession, sale, manufacture, distribution or transportation of a controlled

substance, drug, or narcotic; conviction of a crime involving felonious assault; conviction of a crime involving unlawful breaking or entering, burglary, larceny, or arson; conviction as an habitual criminal; or an addiction to alcohol or a narcotic drug; provided that for purposes of this subsection, "conviction" means and includes the entry of a plea of guilty, plea of no contest or a verdict rendered in open court by a judge or jury.

(j) "Certification" shall mean the authority granted by the board to do business as an alarm systems contractor.

Section 4. (a) No person shall engage in or hold himself out as engaging in the business of an alarm systems contractor without first being certified in accordance with this act.

(b) No person shall do business under this act unless the business entity has in its employ a qualifying agent who meets the requirements for licensing by the board and who is, in fact, licensed under the provisions of this act. The qualifying agent shall be in a management position who is licensed under this act and is responsible for overseeing the quality of operations of the alarm systems contractor.

(c) In the event that the qualifying agent upon whom the business entity relies in order to do business ceases to perform his duties as qualifying agent, the business entity shall notify the board within ten (10) working days. The business entity must obtain a substitute qualifying agent within thirty (30) days after the original qualifying agent ceases to serve as qualifying agent unless the board, in its discretion, extends this period for good cause for a period not to exceed three (3) months.

(d) The certification application shall designate at least one (1) qualifying agent who is certified for each contractor classification and category of service to be performed by the certified business. No qualifying agent shall serve for more than one (1) business entity. The certification application shall designate that the applicant is seeking a certification as either a fire alarm contractor, burglar alarm contractor or both.

(e) No alarm systems contractor may participate in a joint venture to provide equipment or services which require certifying under this act unless all parties to the joint venture are certified in accordance with this act.

(f) No contractor may subcontract the provision of equipment or services requiring a certification under this act to any uncertified person, firm, association or corporation except as provided in Section 5(g).

(g) No alarm systems contractor shall retain as an employee any person known not to be of good moral character.

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(h) No person shall act as an alarm systems contractor under a certification without having a licensed qualified agent who holds a valid license in the category for which business is sought or work is to be done.

(i) No person shall act as a qualified agent without a valid license issued by the board.

(j) No person shall sell and install, service, monitor or respond to alarm signals, signal devices, fire alarms, burglar alarms, television or still cameras used to detect fire, burglary, breaking and/or entering, intrusion, shoplifting, pilferage or theft in violation of this act or the rules adopted hereunder.

(k) No person shall advise anyone as to the need, quantity or quality of alarm systems and sell such systems unless certified, licensed or registered under this act.

Section 5. The following persons, firms, associations or corporations are specifically excluded from the requirements of this act:

(a) Equipment manufacturers not providing direct sales, monitoring, installation of service to system end users;

(b) Telephone installer/dealers not providing direct sales, monitoring, installation and/or maintenance service of alarm systems;

(c) Equipment distributors or suppliers not offering sales, monitoring or installation services directly to the system user;

(d) Retail stores or catalog sales not offering installation or consulting services to the system user;

(e) Utility companies not installing, selling, servicing or monitoring alarm systems;

(f) Sprinkler contractors not providing direct sales, monitoring, installation and/or maintenance service of alarm systems;

(g) Contractors, including general, electrical, mechanical or HVAC contractors, licensed under Tennessee Code Annotated, Title 62, Chapter 6, who do provide direct sales, monitoring, installation and/or maintenance service of alarm systems but who derive less than fifty percent (50%) of their gross annual revenues from such business;

(h) Architects and engineers not providing direct sales, monitoring, installation and/or maintenance service of alarm systems;

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(i) Individual property owners personally installing an alarm system within the owner's residence or other building not open to the general public;

(j) Direct sellers who do not install or monitor alarm systems and who sell a product which is identified by a federally registered trademark; however, in order to qualify for such exemption, the seller must be authorized by the owner of the trademark to sell the product and the seller must provide a written statement to the buyer to the effect that, if the buyer is not satisfied with the product for any reason, the buyer may contact the seller, within a period of not less than thirty (30) days from the date of purchase for a full refund of the purchase price if the product has not been intentionally damaged or abused; and

(k) Locksmiths not providing direct sales, monitoring, installation and/or maintenance service of alarm systems.

Section 6. (a) There is created a state board for licensing alarm systems contractors, hereinafter called the "board". The board shall be composed of five (5) members, at least one (1) of this number shall be a person who is not engaged in the contracting business in any county of this state, at least one (1) of this number shall be either a professional engineer or architect registered to practice in this state. The remaining members of the board shall be alarms systems contractors as defined in Section 3(b); all of whom shall have been actively engaged in the business for a period of not less than four (4) years next preceding their appointment, and may be appointed from a list of qualified applicants submitted by the Tennessee Burglar and Fire Alarm Association. Not more than two (2) members of the board shall be residents of the same grand division of the state. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(b) Appointments to the board shall be by the governor. Initial appointments to the board shall be made within ninety (90) days of the passage of this act and shall list the expiration date of each appointment. All subsequent appointments of successor members shall be made by the governor at the expiration of the respective terms of the members.

(c) In the event of a vacancy on the board for any reason and the governor failing to appoint a successor within ninety (90) days after the vacancy occurs, the board is empowered to fill that vacancy from the list of nominees submitted by the Tennessee Burglar and Fire Alarm Association, until the governor makes an appointment.

Section 7. (a) In accordance with the provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated,

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Title 4, Chapter 5, the board shall promulgate such rules as may be reasonably necessary to implement and administer the provisions of this act in an efficient and effective manner, including rules to require submission of reports and information by certified companies, licensees and registrants under this act.

(b) The board shall have the power to establish fees under Section 18 sufficient to pay the annual expenses of the board.

(c) The board shall determine minimum qualifications and/or establish minimum education, experience and training standards for applicants for certifications, licenses and registrations under this act, including those required for renewal.

(d) All persons employed by an alarm systems contractor shall apply for registration with the board within ten (10) days after employment and shall submit to a background check conducted by the board including investigation by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation.

(e) The board shall conduct investigations regarding alleged violations and make evaluations as may be necessary to determine if certified companies, licensees and registrants under this act are complying with the provisions of this act. The board may also investigate allegations regarding possible violations of this act by unregistered persons and shall seek enforcement under Section 20.

(f) The board may investigate allegations regarding improper, inadequate and/or ineffective alarm system installations and seek enforcement under Section 20.

(g) The board shall have the power to promulgate such rules and regulations, not inconsistent with the laws of Tennessee, as it shall deem necessary for internal management and control.

(h) The board shall investigate and approve applicants to be certified, licensed or registered according to this act.

(i) The board may deny, suspend or revoke any certification, license or registration issued or to be issued under this act to any applicant or licensee who fails to satisfy the requirements of this act or the rules and bylaws established by the board.

(j) The board may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records and documents.

SECTION 8.(a) Each member of the board shall be at least twenty-five (25) years of age and of good moral character. Each member shall be of recognized standing in the alarm contracting business; provided, however, that the provisions of this

sentence shall not apply to the member who is not engaged in the business of alarm contracting.

(b) The terms of members shall be for a five (5) year period and shall be staggered so that the term of at least one (1) member shall expire each December 31st.

(c) In the event of death, resignation or failure of a member to serve his full term, his successor shall be appointed to serve the balance of the unexpired term. Each member shall hold over after the expiration of his term until his successor shall have been duly appointed and qualified. If vacancies shall occur on the board for any cause, the same shall be filled by appointment of the governor within ninety (90) days.

(d) Except for appointments to the initial board, no person shall be eligible for appointment on the board who is not a qualifying agent under this act; provided, however, that the provisions of this sentence shall not apply to the member who is not engaged in the business of alarm contracting.

(e) The governor may remove any member of the board for official misconduct, incompetency, willful neglect of duty or demonstrated lack of good moral character by conduct that would disqualify an applicant from being registered under this act.

SECTION 9. The director of the division of regulatory boards in the department of commerce and insurance, or his designee, shall serve as executive director and shall provide all administrative functions for the board.

SECTION 10.(a) The board shall establish in its bylaws a regular meeting schedule for the purpose of transacting business.

(b) At the first meeting of each year, the board shall elect officers, including a chairman, vice-chairman and secretary.

(c) Special meetings of the board shall be held at such times as the board may require. Special meetings shall be at the call of the chairman or by a majority of the board members.

(d) Three (3) members shall constitute a quorum for transaction of board business.

(e) Due notice of each meeting and the time and place thereof shall be given each member in such manner as the bylaws may provide.

(f) board members shall serve without compensation but shall be entitled to reimbursement for travel expenses, to be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

SECTION 11. (a) The board shall keep a register of all applications for certification, license and/or registration, showing on each the date of application, name, qualifications, place of business, place of residence and whether a license or registration was granted or refused.

(b) The books and register of the board shall be prima facie evidence of all matters recorded therein.

SECTION 12. (a) All alarm systems contractor employees with access to records, diagrams, plans or other sensitive information pertaining to installed or proposed alarm systems shall be registered with the board.

(b) In accordance with the provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, the board shall promulgate rules to establish an appropriate system of employee classifications and registration and the minimum educational and experience requirements for each.

(c) An alarm systems contractor may not employ any employee required to be registered with the board unless the employee is properly registered with the board in compliance with Section 12.(d).

(d) All alarm systems contractors, within ten (10) days of the beginning of employment of any employee, shall furnish the board with the following: set(s) of classifiable fingerprints on standard FBI/TBI applicant cards; recent color photograph(s) of acceptable quality for identification; and statements of any criminal records in each area where the employee has resided within the immediately preceding forty-eight (48) months.

(e) Upon receipt of an application, the board shall cause an FBI/TBI background investigation to be made during which the applicant shall be required to show that he meets all the following requirements and qualifications, prerequisite to registration or licensure:

(1) that the applicant is at least eighteen (18) years of age;

(2) that the applicant is of good moral character; and

(3) that the applicant has the necessary training qualifications and experience to be registered.

SECTION 13. (a) Anyone desiring to be licensed as a qualifying agent shall make written application to the board on such forms as are prescribed by the board. The application shall be accompanied by an application fee as set by the board.

(b) An applicant shall meet all of the requirements for a registered employee as indicated in Section 12(e). Application

shall be accompanied by the documents required for employee registration as detailed in Section 12(d).

(c) An applicant for qualifying agent shall meet the following combination of experience and educational requirements:

(1) The applicant must hold a four (4) year Baccalaureate degree in electrical engineering from an accredited university or college acceptable to the board with at least two (2) years actual experience in the alarm industry, or

(2) The applicant must hold an associates degree in engineering technology from an accredited two (2) year technical college acceptable to the board with at least four (4) years actual experience in the alarm industry, or,

(3) The applicant must hold current certification by a national training program approved by the board in the field of work to be installed and have at least five (5) years of working experience in the alarm industry covering the actual installation of alarms.

(d) If the application is satisfactory to the board, the qualifying agent shall be entitled to an examination to determine his qualifications. This examination may be written and/or oral. The board shall be entitled to charge each applicant an examination fee as set by the board for each written and/or oral examination.

(e) If the results of the examination of any applicant shall be satisfactory to the board, then it shall issue to the applicant a license as a qualified agent in this state. The board shall state the classifications in which the applicant is qualified to engage.

(f) Licenses as a qualifying agent shall expire on the last day of the twelfth month following its issuance or renewal, and shall become invalid on such date unless renewed.

(g) Renewal notices shall be mailed to the last known address of the qualified agent ninety (90) days prior to the expiration date of the license. Such renewal must be received in the office of the board thirty (30) days prior to the expiration of such license.

(h) It shall be the duty of the board to notify every person registered hereunder by mail to the last known address of the date of expiration of this certificate of license and the amount of fee required for its renewal for one (1) year; such notice shall be mailed in accordance with this section.

(i) The fee to be paid for the renewal of a certificate of license after the expiration date shall be increased ten percent (10%) for each month or fraction of a month that payment for renewal is delayed; provided, however, that the maximum fee for

a delayed renewal shall not exceed twice the normal fee.

(j) No qualifying agent shall be qualified to receive a renewal license when he has been in default in complying with the provision of this act for a period of one (1) year, and in such event, the qualifying agent, in order to qualify under the law, shall make a new application as in the case of the issuance of the original license.

(k) The board shall not grant renewal of a qualifying agent license until it has received satisfactory evidence of continuing education during the previous year. The board shall promulgate rules to establish minimum satisfactory standards of continuing education.

(l) The board may, after notice and an opportunity for hearing, suspend, revoke or deny renewal of a license to a qualifying agent who is qualifying agent for a person, firm, association or corporation which has had its certification suspended or revoked under Section 19. The board shall in all cases before hearing any charges against any registrant, furnish a written copy of the charges against the accused, including notice of the time and place where the charges will be heard, and give reasonable opportunity for the accused to be present and offer any evidence he may wish. The accused shall have the right to an attorney if he so desires. The revocation or suspension of license shall be in writing, stating the grounds upon which the board decision is based. The aggrieved person shall have the right to appeal from such decision.

(m) No qualifying agent may be the qualifying agent for more than one (1) business location.

SECTION 14. (a) The certification, when issued, shall be in such form as may be determined by the board and shall state:

- (1) the name of the certifying company;
- (2) the name under which the certified company is to operate;
- (3) the qualifying agent; and
- (4) the number and expiration date of the certification.

(b) There shall be two (2) classifications of alarm systems contractor: "burglar alarm systems" and "fire alarm systems". Within these classifications there shall be two (2) categories of service: "installation" and "monitoring". Alarm systems contractors may be certified in one (1) or more classifications and/or categories of service.

(c) Following issuance, the certification shall at all times be posted in a conspicuous place in the place of business

of the certified company. A certification issued under this act is not assignable.

(d) Prior to December 31, 1991, all alarm system contractors shall permanently display their certification number on all advertising, service vehicles, correspondence, business cards, letterheads and the like.

(e) No certified company shall engage in any business regulated by this act under a name other than the certification name or names which appear on the certificate issued by the board.

(f) Any branch office of an alarm systems contractor shall be properly certified. A separate certification, stating the location and qualifying agent, shall be posted at all times in a conspicuous place in each branch office. Every business covered under the provisions of this act shall file in writing with the board the address of each of its branch offices. All certifications of a branch office shall notify the board in writing, within ten (10) working days after the establishment, closing, or changing of the location of any branch office. A qualifying agent may not be responsible for more than one (1) branch office of an alarm system contracting business. Each business location must have a certification.

SECTION 15. (a) No certification shall be issued under this act until the applicant files with the board a surety bond made payable to the board in the sum of fifty thousand dollars (\$50,000), conditioned to recover against the principal, by reason of wrongful acts of a material nature knowingly engaged in by the certified company in the conduct of its business. This surety bond shall be of the form, manner of execution and sufficiency as approved by the board.

(b) A bond executed and filed with the board pursuant to this act shall remain in force and effect until the surety has terminated future liability by notice to the board thirty (30) days in advance of termination.

(c) No certification shall be issued under this act unless the applicant files with the board evidence of insurance as follows:

(1) a policy of liability insurance providing for the following minimum coverage: one hundred thousand dollars (\$100,000) because of bodily injury or death of one (1) person as a result of the negligent act or acts of the principal insured or his agents, operating in the course and scope of his employment; subject to said limit for one (1) person, three hundred thousand dollars (\$300,000) because of bodily injury or death of two (2) or more persons as the result of the negligent act or acts of the principal insured or his agent operating in the course and scope of his or her agency; one hundred thousand

dollars (\$100,000) because of injury to or destruction of property in the course and scope of his or her agency.

(d) Every certified company shall at all times maintain on file with the board certificates of insurance and surety bond as required by this act in full force and effect, and upon failure to do so, the certification of such contractor shall be automatically suspended and shall not be reinstated until an application, in the form prescribed by the board, is filed, together with a proper surety bond and insurance certificates.

SECTION 16. (a) Anyone desiring to be certified as an alarm systems contractor shall make written application to the board on such forms as are prescribed by the board. The application shall be accompanied by an application fee as set by the board. The alarm systems contractor shall:

(1) have a regular place of business at permanent fixed location;

(2) have a business license or licenses for the city and county in which the business is located;

(3) provide proof of insurance as required by Section 15.(c)(1);

(4) provide surety bond as required by Section 15.(a);

(5) submit an application for certification with notarized signature of a qualified agent licensed by the board for the classifications of alarms systems being applied for; and

(6) submit applications for registration of all employees on forms provided by the board as required by Section 12.(d) and accompanied by registration fees as required by Section 18.(a)(5).

(b) Applications for certification shall be on forms as prescribed by the board. The application shall disclose any and all persons, firms, associations, corporations or other entities that own or control a ten percent (10%) or greater interest in the applicant. The board may require FBI/TBI background checks and other information as deemed necessary by the board from any individual, firm or business owning or controlling ten percent (10%) or greater interest in the applicant and may at the board's discretion withhold certifying until such information is satisfactorily produced and verified.

(c) In accordance with the uniform administrative procedures act, Tennessee Code Annotated, Title 4, Chapter 5, the board shall promulgate rules which establish uniform criteria to govern issuance by the board of the classifications required by Section 13.(e).

(d) An alarm systems contractor may bid on a contract

requiring work in some classification(s) other than the one(s) in which he is licensed, if and only if, such work is incidental or supplemental to the performance of work in which he is licensed to engage.

Section 17. (a) Each certification shall expire on the last day of the twelfth month following its issuance of renewal, and shall become invalid on such date unless renewed.

(b) Renewal notices shall be mailed ninety (90) days prior to the expiration date of the certification. Such renewal must be received in the office of the board thirty (30) days prior to the expiration of such certification.

(c) It shall be the duty of the board to notify by mail every person certified hereunder of the date of expiration of this certificate of certification and the amount of fee required for its renewal for one (1) year; such notice shall be mailed in accordance with this section.

(d) Applications for certification and renewal of certification shall list all persons required to be licensed in accordance with Section 12.(a).

(e) The fee to be paid for the renewal of a certification after the expiration date shall be increased ten percent (10%) for each month or fraction of a month that payment for renewal is delayed; provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

(f) No alarm systems contractor shall be qualified to receive a renewal certification when he has been in default in complying with the provisions of this act for a period of one (1) year, and in such event the alarm systems contractor, in order to qualify under the law, shall make a new application as in the case of the issuance of the original license.

Section 18. (a) The board is authorized to establish and charge reasonable application, certification, registration and license fees as follows:

(1) a non-refundable application fee for a certification as alarm systems contractor;

(2) upon approval of application, a certification fee;

(3) an annual renewal certification fee;

(4) a non-refundable application fee to include the cost of an FBI/TBI background check for a qualified agents' license;

(5) upon approval of the board of a qualifying agents license, an annual license fee;

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(6) a non-refundable application fee to include the cost of an FBI/TBI background check for an employee registration; and

(7) a non-refundable registration fees.

(b) The total amount of fees annually established by the board shall equal the direct and indirect anticipated expenses of the board for such year.

Section 19. (a) Any person may prefer charges in writing to the board against any certificate holder, licensee, registrant or other person, firm or business offering alarm systems and/or services in violation of this act.

(b) The board may, after notice and an opportunity for hearing, suspend or revoke a certification or license issued under this act if it is determined that the licensee or certified person has:

(1) made any false statement or given any false information in connection with any application for a license or for the renewal or reinstatement of a license;

(2) violated any provision of this act;

(3) violated any rule promulgated by the board pursuant to the authority contained in the act;

(4) been convicted of any crime indicating lack of good moral character;

(5) failed to correct business practices or procedures that have resulted in a prior reprimand by the Board;

(6) impersonated or permitted or aided and abetted any other person to impersonate a law enforcement officer of the United States, this state, or any of its political subdivisions;

(7) engaged in or permitted any employee to engage in any alarms contracting business when not lawfully in possession of a valid certification and/or license issued under the provisions of this act;

(8) been convicted on an unlawful breaking or entering, assault, battery or kidnapping;

(9) been found guilty by the board of misconduct, gross negligence and/or incompetence or committed any other act which is a ground for the denial of an application for a certification or a license under this act;

(10) failed to maintain insurance and bond as required by this act;

(c) The board shall have the power to revoke or suspend

any certification or license or renewal granted by it for any of the reasons stated in this section, for a failure to observe the terms and conditions of any certification, license or renewal.

(d) The board may refuse to issue or renew a certification or license to any person, firm or corporation for lack of financial stability, misconduct, gross negligence, lack of expertise, submission of false evidence with regard to application of license or renewal, conviction of a felony, and any other conduct which constitutes improper, fraudulent or dishonest dealing or violation of the statute.

(e) The provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, shall govern all matters and procedures regarding the hearing and judicial review of any contested case, as defined therein, arising under this act.

Section 20. (a) The board may, when it deems appropriate, seek such civil remedies at law or equity to restrain or enjoin any unauthorized practice or other violation of this act.

(b) Any person, firm or corporation who engages or offers to engage in contracting without a certification as required by Section 4, or who violates the terms and conditions of any certification, license or renewal thereof granted by the board pursuant to this act, shall be subject to a civil penalty of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) per occurrence. Any person, firm or corporation who engages or offers to engage in contracting without a certification as required by Section 4 shall be ineligible to apply for such certification until six (6) months after such violation has occurred.

In addition to revocation or suspension of a certification or license under Section 19, a civil penalty of not more than five thousand dollars (\$5,000) may be assessed by the board against any person who violates any provision of this act, or any rule of the board adopted pursuant to this act. In determining the amount of any penalty, the board shall consider the degree and extent of harm caused by the violation.

Section 21. (a) Counties and municipalities are hereby prohibited from offering services as an alarm systems contractor to the general public except as follows:

(1) counties and municipalities may provide those services that would normally be provided by an alarm systems contractor for facilities that are wholly owned and occupied by that county or municipality;

(2) counties and municipalities may provide monitoring and/or response services to alarm systems when deemed in the best public interest provided that:

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(A) no charge is made by the county or municipality for such services;

(B) use of local governmental services shall not be mandatory;

(C) response by local law enforcement, fire fighters and/or other emergency personnel may not be conditional upon use of such services.

(b) Immediately upon the effective date of this act, no county or municipality shall enact any legislation or promulgate any rules or regulations relating to the licensing of alarm businesses or alarm systems contractors required to be licensed under this act.

(c) On July 1, 1992, any provision of any legislation or rules or regulations of any county or municipality requiring the certifying and/or licensing of an alarm business or its employees shall be superseded by this act and no longer be effective.

(d) The provisions of this act are not, however, intended to and do not prevent the legally constituted authority of any county or municipality by legislation, rules or regulations, and within the police power of such county or municipality, from requiring alarm businesses and/or alarm agents to register their names, addresses and license certificate numbers with the county or municipality within which they operate. Such county or municipality may also require that alarm businesses give reasonable notice of termination of licenses and/or agents. No fee may be charged, nor may any application be required by any county or municipality for such registration.

Section 22. (a) To allow initial implementation of this act without interruption of existing services by alarm systems contractors, no certifications, licenses, nor registration shall be required under this act prior to July 1, 1992. During this initial period, the board shall:

(1) provide the necessary forms and procedures for registration and licensing;

(2) receive and process all applications for initial registration and licenses;

(3) issue certificates of registration and licenses to initial applicants meeting the requirements of this act.

(b) Alarm system contractors making application prior to June 1, 1992 shall demonstrate to the satisfaction of the board the following requirements for issuance of a license. The alarm systems contractor shall;

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(1) have a regular place of business at permanent fixed location;

(2) have business license(s) for the city and county in which the business is located;

(3) have been in the business of alarm systems contracting prior to passage of this act.

(4) provide proof of insurance as required by Section 15(c)(1);

(5) provide surety bond as required by Section 15(a);

(6) submit applications for licensing of a qualifying agent meeting the requirements of Section 12(e) on forms provided by the board with license fees as required by Section 18(a)(5);

(7) submit applications for registration of all employees on forms provided by the board as required by Section 12(d) with registration fees as required by Section 18(a)(6);

(8) submit a notarized application for certification on forms provided by the board along with the certification fee as required by Section 18(a)(2).

(c) A qualifying agent making application prior to June 1, 1992 shall meet the requirements of Section 12(e) and demonstrate to the satisfaction of the board the following experience qualifications:

(1) not less than one (1) year's actual experience in the alarm systems contracting business of the classification applied for;

(2) graduate of a nationally recognized training program approved by the Board.

Section 23. (a) Notwithstanding any other provision of law to the contrary, all moneys collected pursuant to this act shall be deposited in the state treasury in a separate fund to be known as the "fund of the state board of alarm contractors."

(b) Disbursements from such fund shall be made solely for the purpose of defraying expenses incurred in the implementation and enforcement of this act.

(c) Any part of the fund of the state board of alarm contractors remaining at the end of a fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with the provisions of this act.

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32. is amended by inserting Sections 1 through 23, as a new, appropriately designated part.

Section 25. If any provisions of this act or the application thereof to any person or circumstance is for any reason held invalid, such invalidity shall not affect other provision or applications or the act which can be given effect without the invalid provisions or application, and to this end, the provisions of this act are declared to be severable.

Section 26. This act shall take effect July 1, 1991, the public welfare requiring it.

Rep. Bivens moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Bivens moved that the House reconsider its action on Amendment No. 2, which motion prevailed.

Thereupon, Rep. Bivens moved that Amendment No. 2 be adopted, which motion prevailed.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 966 by adding the following new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 4-29-214(a), is amended by adding a new item thereto, as follows:

() State board for licensing alarm systems contractors, created by Section 6 of this act;

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Bivens moved that **House Bill No. 966**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce,

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Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Severance -- 1.

Representatives present and not voting were: Dixon -- 1.

A motion to reconsider was tabled.

House Bill No. 1323 -- Equalization Board -- Prohibits certain persons from serving on Shelby County board of equalization. Amends TCA, Title 67.

Rep. Cross moved that House Bill No. 1323 be reset to the first available space on the Calendar for Thursday, May 9, 1991, which motion prevailed.

***House Bill No. 0155** -- Sunset Laws -- Extends termination date of public service commission. Amends TCA, Title 4, Ch. 29; Title 65.

Rep. King moved that House Bill No. 155 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 155 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-216(a), is amended by adding a new item thereto, as follows:

() Public service commission, created by § 65-1-101;

On motion, Amendment No. 1 was adopted.

Rep. King moved adoption of Government Operations Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 155 by adding the following new section to precede the effective date section:

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SECTION _____. Tennessee Code Annotated, Section 65-15-126(c), is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) The fees collected pursuant to this section shall be deposited into the general fund in a special account entitled the Nuclear Safety Fund. The moneys in this fund shall only be used to fund activities related to the state's nuclear safety enforcement program and shall only be allocated to the commission, the department of health and environment, and the Tennessee emergency management agency to cover reasonable expenses incurred by each respective agency in implementing and enforcing the provisions of this section.

Rep. King moved to amend as follows:

Amendment No. 1 to Amendment No. 2

Amend House Bill No. 155 by changing the reference to "the department of health and environment to "the department of conservation".

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Thereupon, Rep. King moved that Amendment No. 2, as amended, be adopted, which motion prevailed.

Rep. Haun moved to amend as follows:

Amendment No. 3

Amend House Bill No. 155 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION _____.(a) There is hereby created a special joint committee to study the operation and the effectiveness of the Tennessee Public Service Commission. The committee shall consist of five members of the House of Representatives and five members of the Senate, to be appointed by the respective speakers. In making the appointments each speaker shall appoint one member from the Finance, Ways & Means Committee, one member from the State & Local Government Committee, one member from the Transportation Committee, one member from the Government Operations Committee and one member from the respective committees for commerce. The organizational meeting of the committee shall be convened by the member who possesses the longest period of continuous service in the General Assembly; and, at such meeting, the committee shall elect from its membership a chair, vice-chair, and such other

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officers as shall be deemed necessary. At the request of the committee, the various agencies and entities of state government shall assist the committee in the performance of its duties.

(b) The special joint committee shall in a timely manner report its findings and recommendations, including any proposed legislation, to the 1993 session of the Ninety-eighth General Assembly, at which time the committee shall cease to exist.

Rep. Rhinehart moved that Amendment No. 3 be tabled, which motion failed by the following vote:

Ayes.	42
Noes.	50

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Garrett, Givens, Hargrove, Herron, Hillis, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, King, Moore, Napier, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 42.

Representatives voting no were: Allen, Anderson, Bivens, Bragg, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Knox), Duer, Fowlkes, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Holcomb, Holt, Hubbard, Johnson, Joyce, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Rigsby, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 50.

Rep. DeBerry moved that House Bill No. 155, as amended, be reset to the next available space on the next available calendar.

Rep. Haun moved that the motion to reset be tabled, which motion failed by the following vote:

Ayes.	47
Noes.	48

Representatives voting aye were: Allen, Anderson, Bivens, Bragg, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Davis (Knox), Duer, Fowlkes, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Holcomb, Holt, Hubbard, Joyce, Kisber, Liles, McDaniel, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 47.

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Representatives voting no were: Armstrong, Arriola, Bell, Bittle, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Garrett, Givens, Hargrove, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Knight, Love, McKee, Moore, Napier, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 48.

Thereupon, Rep. DeBerry renewed the motion to reset House Bill No. 155 to the Calendar for Thursday, May 2, 1991, which motion prevailed.

***House Bill No. 0248 -- Sunset Laws --** Extends termination date of water quality control board. Amends TCA, Title 4, Ch. 29; Title 60, Ch. 1; Title 68, Chs. 13, 46; Title 69, Ch. 3.

Rep. King moved that House Bill No. 248 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 248 by adding the following as a new section to precede the effective date section:

SECTION _____. The commissioner of environment, in consultation with the water quality control board, shall submit a written report to each member of the house and senate government operations committees and to the division of state audit by March 1, 1992. The report shall detail the steps and procedures the department and board have implemented to correct the concerns raised by the January 1991 performance audit report and by citizens during the March 1991 public hearing. The report should also indicate, from a sample of cases, the extent to which the timeliness of enforcement actions has been improved. The report should address, but is not limited to, the following concerns:

1. Timely reporting of violations by the regional offices to the central office;
2. Timely referral of cases by the division to the office of general counsel for enforcement orders;
3. Timely issuance of enforcement orders by the office of general counsel;
4. Prompt and continued follow up, even after fines are paid, to ensure correction of violations;

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5. Ensuring correction of violations before moving cases to the inactive file;

6. Effective use of fines to the extent authorized by law, including assessment of conditional fines and ensuring that conditions are met before conditional fines are waived;

7. Development and implementation of an effective case management system capable of monitoring the status of enforcement activities of the division (field and central offices), the office of general counsel, and the board on individual cases. The system should include time guidelines for enforcement activities and periodic comparison of the time guidelines with actual time taken;

8. Problems alleged by citizens during the public hearing, including but not limited to attracting board members with the necessary experience to handle siting and other complex issues before the board; safeguarding against conflicts of interest between board members and regulated parties; and possible staff hesitance to let certain serious violations come before the board; and

9. Resources needed by the department and board to better accomplish their goals in protecting water quality, including but not limited to alternative revenue sources and enforcement mechanisms.

AND FURTHER AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

() Water quality control board, created by § 69-3-104; Password 21132-1951

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that **House Bill No. 248**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby),

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Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 0050 -- Sunset Laws --** Extends termination date of health facilities commission. Amends TCA, Title 4, Ch. 29; Title 33, Ch. 5; Title 56, Ch. 7; Title 68, Ch. 11.

On motion, House Bill No. 50 was made to conform with Senate Bill No. 685.

On motion, **Senate Bill No. 685**, on same subject, was substituted for House Bill No. 50.

Rep. Bragg moved that **Senate Bill No. 685** be re-referred to the Finance, Ways and Means Committee, which motion prevailed.

House Bill No. 1355 -- Economic and Community Development -- Modifies requirement that ordinance or resolution to create and appoint an enterprise zone management board be adopted at two consecutive meetings; requires adoption at a regularly scheduled meeting only. Amends TCA, Titles 4, 13.

On motion, House Bill No. 1355 was made to conform with Senate Bill No. 1438.

On motion, **Senate Bill No. 1438**, on same subject, was substituted for House Bill No. 1355.

Rep. U. Jones moved that **Senate Bill No. 1438** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1438 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 13-28-106(f), is amended by adding the following language as a new, appropriately designated subdivision:

() If during one fiscal year, a qualified business would be eligible for reimbursement under the provisions of subdivision (f)(1) but the reimbursement [sic] authorized in such subdivision exceeds the excise tax liability of such business for the fiscal year or the reimbursement eligibility exceeds the limitations of subdivision (f)(2) based on the percentage of excise tax liability paid for the tax year in which the new employees are hired, for purposes of receiving reimbursement in subsequent fiscal years eligibility for such reimbursement may be carried forward for a period not exceeding two (2) fiscal years for purposes of being entitled to receive the reimbursement authorized, subject to the limitations of subdivision (f)(2).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1438 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. On June 30, 1991, any unexpended funds appropriated by Item 212 of Section 12 of Chapter 1085 of the Public Acts of 1990 relative to enterprise zones shall not revert to the general fund but shall be carried forward in a reserve until expended for the purposes appropriated, and for such purposes such funds are hereby reappropriated.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. U. Jones moved that **Senate Bill No. 1438**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby),

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Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1217 -- Wine, Wineries -- Allows wineries to give certain wine to not-for-profit organizations. Amends TCA 57-3-207.

On motion, House Bill No. 1217 was made to conform with Senate Bill No. 65.

On motion, **Senate Bill No. 65**, on same subject, was substituted for House Bill No. 1217.

Rep. Williams (Shelby) moved that **Senate Bill No. 65** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	68
Noes.	20
Present and not voting.	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Fowlkes, Givens, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Wix, Wood, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Bell, Byrd, Cross, Duer, Ferguson, Haley, Harriell, Hillis, Holcomb, Joyce, McAfee, McDaniel, McKee, Phillips, Ridgeway, Sipes, Stamps, Tullis, Walley, Winningham -- 20.

Representatives present and not voting were: Head, Johnson, Rhinehart, Williams (Union), Windle -- 5.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a

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desire to change my original stand from no to aye on Senate Bill No. 65 and have this statement entered in the Journal.

Rep. Shirley Duer

REGULAR CALENDAR, CONTINUED

***House Bill No. 0077** -- Public Officials -- Increases penalty for filing false fee statements from Class E to Class D felony. Amends TCA, Title 8.

On motion, House Bill No. 77 was made to conform with Senate Bill No. 1170.

On motion, **Senate Bill No. 1170**, on same subject, was substituted for House Bill No. 77.

Rep. Head moved that **Senate Bill No. 1170** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Williams (Shelby) moved that **Senate Bill No. 1170** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	5
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Allen, Hill, McAfee, Robinson (Washington), Whitson -- 5.

Representatives present and not voting were: Haun -- 1.

A motion to reconsider was tabled.

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***House Bill No. 0568 -- Taxes, Real Property -- Requires in-lieu of tax payments for certain nonprofit housing corporation property. Amends TCA 67-5-207.**

Rep. Cole moved that House Bill No. 568 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 568 by deleting Sections 1 and 2 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-207, is amended by deleting the last sentence of subsection (a) (1) and substituting instead the following:

Such payment shall not be required from any project occupied prior to January 1, 1990, unless such project was the subject of a pending claim for tax exempt status before the state board of equalization on January 1, 1990. In the latter case annual payments begun prior to April 30, 1990, shall continue to be made until the project and the recipients of the payments agree to discontinue or revise the payments. Nothing herein shall be construed to negate any valid agreements concerning payments in lieu of taxes entered into prior to April 30, 1990.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Cole moved that House Bill No. 568, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby),

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Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh
-- 94.

A motion to reconsider was tabled.

***House Bill No. 0217 -- Health -- Enacts "Poison Control Act of 1991". Amends TCA, Title 68, Ch. 43.**

Rep. Odom moved that House Bill No. 217 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 217 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 43, is amended by deleting Part 1 in its entirety and by substituting instead Sections 2 through 9 as new Part 1.

SECTION 2. The department of health and environment is authorized to establish and maintain a system of poison control centers in Tennessee that:

- (1) serves public and health care professionals in urban and rural areas;
- (2) designates regions within the network;
- (3) designates regional poison control centers within the network; and
- (4) awards grants to regional control centers.

SECTION 3. The commissioner of health and environment shall consider the following criteria in designating regional control centers:

- (1) compliance or expected compliance with the state poison control standards;
- (2) location in relation to the geographical distribution of persons served;

(3) whether the facility is presently providing poison control services; and

(4) the capacity of such providers to deliver and coordinate poison prevention awareness programs to the general public.

SECTION 4. (a) No person or persons, business, agency, organization, or other entity, whether public or private shall hold itself out as providing a poison advice service or use the term poison control center, poison center, or any other term which implies that it is qualified to provide advice on the treatment of poison exposures in its advertising, name, or in printed material information it furnishes to the general public unless that entity meets one (1) of the following conditions:

(1) Has been designated by the commissioner of health and environment a regional poison control center;

(2) Is a company or organization which provides a poison information service for products or chemicals which it manufactures or distributes;

(b) Nothing in this section shall prohibit a qualified health care professional, within his or her level of professional expertise, from providing advice regarding poisoning or poisons to his or her patient or patients upon request or whenever he or she deems it warranted in the exercise of his or her professional judgment, as otherwise permitted by law.

SECTION 5. The commissioner of health and environment shall establish minimum standards for designation as a regional control center. Such standards shall require regional poison control centers to do all of the following:

(1) Answer requests by telephone for poison information and make recommendations for appropriate emergency management and treatment referrals of poisoning exposures. These services, provided twenty-four (24) hours a day, shall involve the following:

(A) determining whether a true poisoning emergency exists;

(B) whether treatment can be accomplished at the scene of the incident, or whether transport to an emergency treatment facility is required;

(C) recommending treatment measures to appropriate personnel; and

(D) carrying out follow-up to assure that adequate care is provided;

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2. Utilize physicians, pharmacists, nurses and supportive personnel trained in various aspects of toxicology, poison control, poison prevention, and poison information retrieval;

3. Provide public awareness programs on poison prevention and utilization of regional poison control centers; and

4. Maintain a data collection program of poison exposures and prepare an annual report.

SECTION 6. A regional poison control center may provide the services described in Section 5 either directly or through contract with other facilities or agencies. Appropriate measures shall be taken to ensure the confidentiality of information about individuals to whom treatment for poison exposures are provided in accordance with guidelines established by the commissioner of health and environment.

SECTION 7. The commissioner of health and environment shall appoint the members of the Tennessee poison control network advisory committee, which is hereby created, to advise the department on matters pertaining to the designation, standards and coordination of regional poison control centers participating in the Tennessee poison control network. The committee shall consist of no more than nine (9) members, who shall include the commissioner of health and environment or his or her designee, at least one (1) representative from each regional poison control center, knowledgeable members of the general public, and representatives of governmental agencies involved in poison safety or public health. Members of the committee shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

SECTION 8. No act done or omitted in good faith while performing duties as a medical director, consultant, or specialist in poison information of a regional poison control center shall impose any liability on the poison control center, its officers, volunteers, medical directors, consultants, specialists in poison information, other employees or a person, organization, or institution that advises a regional poison control center unless the advice or assistance is given in a manner that constitutes willful or wanton misconduct.

SECTION 9. The commissioner of health and environment shall annually report to the general assembly findings and recommendations concerning the experience and benefits of the Tennessee poison control network.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Odom moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 217 by placing a period after the word "network" at the end of item (3) of Section 2 and by deleting in its entirety item (4).

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Odom moved adoption of Amendment No. 1, as amended, which motion prevailed.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 217 by deleting the word "shall" in the first sentence of Section 3 and by substituting instead the word "may".

FURTHER AMEND by deleting the word "shall" wherever it appears in Section 4 and by substituting instead the word "may".

AND FURTHER AMEND by deleting the word "shall" in the first sentence of Section 6 and by substituting instead the word "may".

AND FURTHER AMEND by deleting the word "shall" in Section 10 and by substituting instead the word "may".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Odom moved that **House Bill No. 217**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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House Bill No. 1433 -- District Attorneys -- Authorizes employment of additional assistant district attorneys general and criminal investigators in 3rd judicial district. Amends TCA 16-2-506.

Rep. Johnson moved that House Bill No. 1433 be reset to the first available space to the Calendar for Monday, May 6, 1991, which motion prevailed.

House Bill No. 1393 -- Radio and Television -- Provides immunity for boards of directors of public radio and television stations. Amends TCA 48-58-601.

On motion, House Bill No. 1393 was made to conform with Senate Bill No. 1214.

On motion, **Senate Bill No. 1214**, on same subject, was substituted for House Bill No. 1393.

Rep. Hargrove moved that **Senate Bill No. 1214** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	2
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Bragg, Nuber -- 2.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

***House Bill No. 0042** -- Sunset Laws -- Extends termination date of solid waste disposal control board. Amends TCA, Title 4, Ch. 29; Title 7, Ch. 54; Title 68, Chs. 31, 46.

Rep. King moved that **House Bill No. 42** be passed on third and final consideration.

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Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 42 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

Solid waste disposal control board, created by § 68-31-111;

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that **House Bill No. 42**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 0329 -- Sunset Laws -- Extends termination date of Tennessee film, entertainment and music commission. Amends TCA, Title 4, Chs. 3, 29.

On motion, House Bill No. 329 was made to conform with Senate Bill No. 349.

On motion, **Senate Bill No. 349**, on same subject, was substituted for House Bill No. 329.

Rep. U. Jones moved to amend as follows:

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Amendment No. 1

Amend Senate Bill No. 349 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 4-29-215(a), is amended by inserting the following language as a new, appropriately numbered item:

() Tennessee film, entertainment, and music commission, created by Section 4-3-5004;

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that **Senate Bill No. 349**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 0633** -- Garnishments and Executions -- Codifies form for garnishment calculation. Amends TCA, Title 26, Ch. 2.

Rep. Herron moved that **Senate Bill No. 633** be reset to the Message Calendar for Monday, May 6, 1991, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0956 -- Wills -- Designates "Tennessee Living Will Act" and "Tennessee Health Care Directives Act". Amends TCA, Title 32, Ch. 11; Title 34, Ch. 6.

WEDNESDAY, MAY 1, 1991 -- FORTY-SECOND LEGISLATIVE DAY

Senate Amendment No. 3

AMEND House Bill No. 956 by deleting the language:

and my attending physician has determined that there can be no recovery from such condition, and the application of medical care would serve only to artificially prolong the dying process in the "Living Will" in the amendatory language of Section 6 and by substituting instead the language and my attending physician has determined there is no reasonable medical expectation of recovery and which, as a medical probability, will result in my death, regardless of the use or discontinuance of medical treatment implemented for the purpose of sustaining life, or the life process

AND FURTHER AMEND by deleting the words "this subsection" in the amendatory language of Section 11 and by substituting instead the words "this part".

Rep. Holcomb moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 956, which motion prevailed by the following vote:

Ayes.	66
Noes.	22
Present and not voting.	5

Representatives voting aye were: Allen, Anderson, Arriola, Bivens, Bragg, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Fowlkes, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Napier, Niceley, Nuber, Odom, Phillips, Pruitt, Purcell, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Stamps, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Wix, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Armstrong, Bell, Buck, Byrd, Crain, Cross, Davidson, Davis (Gibson), Haley, Hargrove, McAfee, Meyer, Moore, Peroulas Draper, Pinion, Ridgeway, Rigsby, Rinks, Sipes, Tindell, Winningham, Wood -- 22.

Representatives present and not voting were: Ferguson, Hillis, Rhinehart, Robinson (Hamilton), Windle -- 5.

A motion to reconsider was tabled.

***House Bill No. 1173** -- Medicine, Practice of -- Requires physicians and surgeons to disclose certain interests in medical equipment or facilities in certain circumstances. Amends TCA, Title 63.

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Senate Amendment No. 2

Amend House Bill No. 1173 by adding a new appropriate numbered Section as follows:

Section ____ . Nothing in this act is intended to nor shall it permit any action which is inconsistent with the federal Patient and Program Protection Act of 1987 or other provisions of federal law which prohibit such arrangements as a condition to receipt of federal funds.

Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1173, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of Rule No. 59, notice was given that the following measure(s) from the Senate would be heard on Thursday, May 2, 1991.

House Joint Resolution No. 121: Rep. Pruitt.

Senate Bill No. 128: Rep. Purcell.

House Bill No. 632: Rep. Buck.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

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House Resolution No. 0080 -- Memorials, Personal Achievement -- Andy Armstrong, Geography Bee winner. by *Buck, *Bell.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0310 -- Memorials, Sports -- Will Allen Roundheads basketball team. by *Givens, *McDaniel, *Phillips, *Severance, *Hillis, *Love, *Halteman, *Odom, *Bivens, *Wix.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0312 -- Memorials, Heroism -- Washington County Army units. by *Allen, *Robinson Ruth.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0313 -- Memorials, Heroism -- Washington County Marines. by *Allen, *Robinson Ruth.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0314 -- Memorials, Heroism -- Washington County National Guard units. by *Allen, *Robinson Ruth.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0315 -- Memorials, Professional and Business Achievement -- Thomas W. Phillips, U. S. Magistrate. by *Winningham, *Cross.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0316 -- Memorials, Sports -- Cheatham County High School girls' basketball team. by *Head, *Davidson.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0318 -- Memorials, Sports -- Celina High School girls' basketball team. by *Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0236 -- Memorials, Interns -- Lynette Kathleen Clark.

Referred by the Speaker to the Calendar and Rules Committee.

WEDNESDAY, MAY 1, 1991 -- FORTY-SECOND LEGISLATIVE DAY

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred as noted:

***Senate Joint Resolution No. 0168** -- Highway Signs -- Knoxville Museum of Art.

Referred by the Speaker to the State and Local Government Committee.

***Senate Joint Resolution No. 0188** -- General Assembly, Statement of Intent or Position -- Urges use of acid-free paper in publication of state documents.

Referred by the Speaker to the State and Local Government Committee.

***Senate Joint Resolution No. 0197** -- Memorials, Congress -- Urges refraining from mandating states' passage of laws requiring use of motorcycle helmets and safety belts.

Referred by the Speaker to the State and Local Government Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1595 -- Crossville -- Changes term of mayor and commissioners from two to four years. Amends Chapter 519, Private Acts of 1953, as amended. by *Duer, *Hillis.

Passed first consideration.

House Bill No. 1596 -- Trenton -- Revises salary of city judge. Amends Chapter 551, Acts of 1903, as amended. by *Davis Ray.

Passed first consideration.

House Bill No. 1597 -- Crossville -- Changes election from December to November. Amends Chapter 519, Private Acts of 1953, as amended. by *Duer, *Hillis.

Passed first consideration.

House Bill No. 1598 -- Crossville -- Permits mayor to be elected official. Amends Chapter 519, Private Acts of 1953, as amended. by *Duer, *Hillis.

Passed first consideration.

House Bill No. 1599 -- Crossville -- Establishes compensation for mayor and commissioner. Amends Chapter 519, Private Acts of 1953, as amended. by *Duer, *Hillis.

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Passed first consideration.

***House Bill No. 1600** -- Spring City -- Authorizes certain non-residents to participate in municipal elections and referenda. Amends Chapter 64, Private Acts of 1953, as amended. by *Duer.

Passed first consideration.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 1606, was/were referred to the Delayed Bills Committee.

***House Bill No. 1606** -- Licenses -- Excludes DUI school in Lawrence County from Mental Health and Mental Retardation Licensure Law. Amends TCA 33-2-502. by *Moore.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0029** -- Obscenity and Pornography -- Revises law relative to the production and distribution of certain obscene matter. Amends TCA 39-17-902. (HB 0735).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0220** -- Fire Prevention and Investigation -- Authorizes issuance of citations or seeking of injunction to correct dangerous conditions in certain buildings. Amends TCA, Title 68, Chs. 17, 18. (HB 0398).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0221** -- Codes -- Requires certain municipal and county fire prevention and building officials to be certified by state fire marshal. Amends TCA, Title 68, Ch. 18. (HB 0401).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0746** -- Libraries -- Authorizes state librarian in certain cases to destroy original archival titles and records. Amends TCA 10-7-307. (HB 1058).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0827** -- Public Contracts -- Increases interest rate on penalties. Amends TCA, Title 12, Ch. 4. (HB 1430).

Held pending third consideration of companion House Bill.

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Senate Bill No. 0990 -- Hickman County -- Increases severance tax on phosphate rock. Amends Chapter 92, Private Acts of 1979. (HB 0782).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1439** -- County Government -- Authorizes counties to establish more stringent personal interest standards than those of general law. Amends TCA, Title 12, Ch. 4. (HB 1369).

Held pending third consideration of companion House Bill.

Senate Bill No. 1448 -- Mobile Homes and Manufactured Buildings -- Preempts local regulations of tie-down standards for manufactured homes. Amends TCA, Title 68, Ch. 36, Pt. 4. (*HB 1310).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

***House Bill No. 1528** -- Gambling -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 1594 -- Warren County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 42: Rep(s). Kernell as sponsor(s).

House Bill No. 50: Rep(s). Dixon as sponsor(s).

House Bill No. 446: Rep(s). Venable as sponsor(s).

House Joint Resolution No. 308: Speaker Naifeh added as sponsor(s).

REQUESTS TO BE ADDED AS SPONSORS

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill.

House Joint Resolution No. 308: Rep(s). Niceley.

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**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
May 1, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1581 and 1594.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
May 1, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Thursday, May 2, 1991:** House Resolution(s) No(s). 80; House Joint Resolution(s) No(s). 310, 312, 313, 314, 315, 316 and 318; House Bill(s) No(s). 1581 and 1594; also, Senate Joint Resolution(s) No(s). 236.

PHILLIPS, Chair.

**SIGNED
May 1, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 420, 424, 461, 546, 566, 741, 777, 851, 902, 1239, 1250, 1340, 1429, 1580 and 1583; House Joint Resolution(s) No(s). 82, 83, 110, 125 and 157; also, House Resolution(s) No(s). 36, 72, 74 and 75.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
May 1, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 944; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 1, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 212, 295, 298, 464, 482, 637, 833, 910, 1423, 1490 and 1567; also, Senate Joint Resolution(s) No(s). 117, 202, 204, 206, 232 and 234; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

WEDNESDAY, MAY 1, 1991 -- FORTY-SECOND LEGISLATIVE DAY

MESSAGE FROM THE SENATE
May 1, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 420, 424, 461, 546, 566, 741, 777, 851, 902, 1239, 1250, 1340, 1429, 1580 and 1583; also, House Joint Resolution(s) No(s). 82, 83, 110, 125 and 157; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED
May 1, 1991

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 212, 295, 298, 464, 482, 637, 833, 910, 1423, 1490 and 1567; also, Senate Joint Resolution(s) No(s). 117, 202, 204, 206, 232 and 234.

ENGROSSED BILLS
May 1, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 42, 217, 248, 558, 559, 568, 963, 966, 997, 1037, 1042, 1138, 1311, 1402, 1506, 1507, 1570, 1573, 1577, 1578, 1579 and 1585; also, House Joint Resolution(s) No(s). 303, 304, 307, 308 and 309; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 1, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 420, 424, 461, 546, 566, 741, 777, 851, 902, 1239, 1250, 1340, 1429, 1580 and 1583; also, House Joint Resolution(s) No(s). 82, 83, 110, 125 and 157; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 1, 1991

MR. SPEAKER: I am directed to return to the House, House Joint

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Resolution(s) No(s). 308; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 273, 275, 277, 278, 282, 283, 284, 285, 286, 287 and 294; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 18, 944, 1094, 1395, 1579 and 1589; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 974, 988, 1225 and 1399; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 0974 -- Alcoholic Beverages -- Prohibits issuance of retail beer permit without valid resale permit from department of revenue. Amends TCA 57-5-104. by *Rochelle.

***Senate Bill No. 0988 -- Commerce and Insurance, Dept. of -- Authorizes increases in security guard fee structures to make regulatory program self sufficient. Amends TCA, Title 62, Ch. 35. by *Cohen.**

***Senate Bill No. 1225 -- Insurance, Health, Accident -- Requires health insurance policies to cover adopted children. Amends TCA, Title 56, Ch. 7, Pt. 10. by *Person, *Dunavant.**

***Senate Bill No. 1399 -- Taxes, Personal Property -- Provides that equipment valued at \$500 or less is deemed to have no value for personal property tax purposes. Amends TCA 67-5-901. by *Gilbert, Jordan.**

WEDNESDAY, MAY 1, 1991 -- FORTY-SECOND LEGISLATIVE DAY

**MESSAGE FROM THE SENATE
May 1, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 209, 211, 213, 216, 219, 221 and 243; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0209 -- Memorials, Interns -- Sherry Tolliver. by *Montgomery, Rochelle.

***Senate Joint Resolution No. 0211** -- Naming and Designating -- Tennessee State Employee Week, June 23-29, 1991. by *Darnell. Crutchfield, Cohen, McKnight, Hicks, Person, Dunavant, Davis E.

Senate Joint Resolution No. 0213 -- Memorials, Interns -- Sheila Humphrey. by *Jordan, Rochelle.

Senate Joint Resolution No. 0216 -- Memorials, Death -- Jimmy Nelson. by *Ford, Davis E.

Senate Joint Resolution No. 0219 -- Memorials, Interns -- Michael Dioguardi. by *Jordan, Rochelle.

Senate Joint Resolution No. 0221 -- Memorials, Professional and Business Achievement -- Cumberland Hardwoods, 1991 finalist Governor's Excellence awards. by *Burks.

Senate Joint Resolution No. 0243 -- Memorials, Heroism -- Sean A. Schippers. by *Haynes, Albright, Atchley, Burks, Cohen, Cooper, Crowe, Crutchfield, Darnell, Davis E, Dunavant, Elsea, Ford, Gilbert, Greer, Hamilton, Harper.

**MESSAGE FROM THE SENATE
May 1, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 268.

The Speaker appointed Senators Cooper and Jordan as additional members to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 268.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 1, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1008; substituted for Senate Bill(s) on same subject(s),

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amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1991

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1028; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1991

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1306; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, May 2, 1991.